Los Angeles County Sheriff's Department

Su rvisor's Report on Use of rce

Incident Information

URN:	405-17187-2611-145	Date:	09/23/05	Time:	1600
Location:	533 E. PALMDALE BOULEVARD				
City or Station:	PALMDALE				
Bureau/Station/Facility:	PALMDALE STATION	Admin. Investigation:	YES ☐ NO ☒		

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
	NONE		

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	40	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	20	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	21	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	BISTLINE	KYLE		SGT.	YES ☐ NO ☒	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	ROSS	DANIEL	

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	NEMETH	JOHN	

Watch Commander's Signature: ______________________ Emp #: __________

Copy Provided to Employee by: ______________________ Emp #: __________

Supervisor Completing Form: MICHAEL R. BERG (Print) Emp #: [redacted]

Unit Commanders Signature: ______________________ Emp #: __________ Date Signed: __________

PSTD Use Only
FO#

Original: Unit Commander
Copy: P.S.T.D.Headquarters, Employee

SH-R-438 Rev. 10/98

See Reverse

Supervisor's Report on Use of Force

URN 405-17187-2611-145

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE APPLIED

(Only One Code Per Block)

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Type of Injury (Code)	Body Part (Code)
S1	E1	PH	NN	
S1	E1	PK	NN	
S1	E1	OO	NN	
E1	S1	CT	NN	
E1	S1	TD	FR	HI
E1	S1	RH	NN	

See Front Side

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE INFORMATION

URN: 405-17187-2611-145

Involved Employee

E1
Employee # [redacted] | Last Name: ARELLANO | First Name: CARLOS | Middle Name:
Sex: ☒ Male ☐ Female | Race: H | Unit of Assignment: PALMDALE STATION | Work Assignment (Unit #, Module, etc.): PAC 260A1
Shift: ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 5-07 | Weight: 170
Medical Exam/Treatment ☐ | If Admitted, Name of Hospital: | Coroner Case #: | Directed Force ☐ Significant Force ☒

E_
Employee # | Last Name | First Name | Middle Name
Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):
Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:
Medical Exam/Treatment ☐ | If Admitted, Name of Hospital: | Coroner Case#: | Directed Force ☐ Significant Force ☐

E_
Employee # | Last Name | First Name | Middle Name
Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):
Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:
Medical Exam/Treatment ☐ | If Admitted, Name of Hospital: | Coroner Case#: | Directed Force ☐ Significant Force ☐

E_
Employee # | Last Name | First Name | Middle Name
Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):
Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:
Medical Exam/Treatment ☐ | If Admitted, Name of Hospital: | Coroner Case#: | Directed Force ☐ Significant Force ☐

E_
Employee # | Last Name | First Name | Middle Name
Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):
Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:
Medical Exam/Treatment ☐ | If Admitted, Name of Hospital: | Coroner Case#: | Directed Force ☐ Significant Force ☐

E_
Employee # | Last Name | First Name | Middle Name
Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):
Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:
Medical Exam/Treatment ☐ | If Admitted, Name of Hospital: | Coroner Case#: | Directed Force ☐ Significant Force ☐

See Other Side

Supervisor's Report on Use of Force
SUSPECT INFORMATION

URN: 405-17187-2611-145

Suspect Information

S1

Last Name	RODRIGUEZ	First Name	DIANA	Middle Name	LUCY
AKA Last Name		First Name		Middle Name	

Sex:	Race:	Street Address:	City:	State & Zip Code:
☐ Male ☒ Female	H	[redacted]	[redacted]	[redacted]

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
NONE	[redacted]	65	5-03	02/20/40	140	☐

Booking #: 8748311 Primary Charge: 11350(A) HS Secondary Charge: 243(B) PC Criminal History ☐

Hospital Admission? ☒ Rec'd Treatment At: LANCASTER COMM. HOSP. Coroner Case#: Mental History ☐

Under Influence: ☒ YES ☐ NO Substance: CENTRAL NERV. STIM.

Photos of Suspect's Injuries ☒ YES ☐ NO

Date:	Time:	Audiotape:	Videotape:
09/24/05	0005	☒	☒

Suspect Information

S_

Last Name		First Name		Middle Name	
AKA Last Name		First Name		Middle Name	

Sex:	Race:	Street Address:	City:	State & Zip Code:
☐ Male ☐ Female				

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
						☐

Booking #: Primary Charge: Secondary Charge: Criminal History ☐

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☐ NO Substance:

Photos of Suspect's Injuries ☐ YES ☐ NO

Date:	Time:	Audiotape:	Videotape:
		☐	☐

Suspect Information

S_

Last Name		First Name		Middle Name	
AKA Last Name		First Name		Middle Name	

Sex:	Race:	Street Address:	City:	State & Zip Code:
☐ Male ☐ Female				

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
						☐

Booking #: Primary Charge: Secondary Charge: Criminal History ☐

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☐ NO Substance:

Photos of Suspect's Injuries ☐ YES ☐ NO

Date:	Time:	Audiotape:	Videotape:
		☐	☐

INVESTIGATIVE SUMMARY
USE OF FORCE; BROKEN BONE (FEMUR)
IAB SH2155569
URN 405-17187-2611-145

On Friday, September 23, 2005, Sergeants Michael Berg and Rick Smith of the Internal Affairs Bureau responded to Palmdale Station regarding a deputy-involved use of significant force. Internal Affairs Bureau Lieutenant Ben Seno also responded.

Deputy Carlos Arellano was working a uniformed patrol car as part of his duties as a Partners Against Crime Team deputy. He observed a tan-colored pick up truck make an unsafe left turn. Arellano followed the truck into a shopping mall parking lot at 533 East Palmdale Boulevard, and made a traffic stop for the violation.

Arellano walked to the driver's side door and saw the sole occupant, Diana Rodriguez, put something into her mouth, take a drink of soda and swallow. Arellano believed Rodriguez may have swallowed narcotics. Arriving at the driver's door, Arellano saw a glass, narcotics pipe on the front seat of the vehicle.

Arellano opened the driver's door and asked Rodriguez to exit the vehicle. She tried to bring her purse but was told by Arellano to leave it in the vehicle. Rodriguez swung her left leg out of the vehicle, and held her car keys in her left hand. Arellano was going to assist Rodriguez out of the vehicle due to her age and frailty (65 years old), but Rodriguez swung her arms at Arellano, hitting Arellano in his arms. Rodriguez also kicked at Arellano.

As Rodriguez exited the vehicle, Arellano grabbed the suspect's wrists to control her, and prevent her from injuring him. Rodriguez continued her assault, swinging her arms at Arellano and kicking at him. Arellano told Rodriguez numerous times to calm down, but she continued to resist Arellano and attempted to get away.

Arellano pulled Rodriguez toward the ground, then pushed her onto the ground face-down. Rodriguez landed on her left side on the parking lot asphalt. Arellano handcuffed her left wrist, but Rodriguez continued to resist him by tucking her right arm beneath her body. Arellano tried to call for back up with his radio, but the battery was dead. Arellano summoned a passerby to retrieve his cell phone from the patrol car. Arellano was then able to reach Sgt. Bistline, who responded to the scene minutes later.

Arellano gained control of Rodriguez' right arm and completed handcuffing the suspect.

Rodriguez was transported to Lancaster Community Hospital where it was discovered that she sustained a fractured femoral neck.

No other departmental personnel responded to the incident.

INVOLVED PERSONNEL:

ARELLANO, Carlos, Deputy #[redacted]
Field Operations Region I
Palmdale Station

EMPLOYEE WORK HISTORY:

ARELLANO, Carlos

Date of Employment	12/05/88
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

SUSPECT:

Rodriguez, Diana FH/65 Booking # 8748311

Suspect Rodriguez had [redacted] A check of the CCHRS (Consolidated Criminal History Reporting System) and RAPS revealed that Suspect Rodriguez had [redacted] Refer to the CCHRS and RAPS printouts included under the **Miscellaneous Documents.**

WITNESSES:

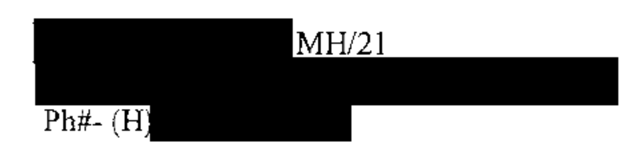
Sworn:

None

Civilian:

[redacted] MH/40
[redacted]
Ph#- (W) [redacted]

[redacted]
Ph#- (H) [redacted]


[redacted] MH/21
[redacted]
Ph#- (H) [redacted]

INJURIES:

RODRIGUEZ, Diana
- -left femoral neck fracture
- -scraping and bruising to left forearm

Suspect Rodriguez had a previous [redacted] The left femur was fractured at the neck of the femur where it attaches to the hip. [redacted] There were no other fractures. Rodriguez complained of pain to her left tibia and fibula. Refer to **Exhibit B, pages 2-10**, of Rodriguez' medical records.

A drug screen was performed on Rodriguez' urine for the presence of drugs. The following drugs were detected in Rodriguez' system: phencyclidine, cocaine, and opiates. Refer to **Exhibit B, pages 11** and **27** of Rodriguez' medical records.

Suspect Rodriguez was transported to Lancaster Community Hospital and treated in the Emergency Room by Dr. Lee. Dr. Lee opined that Rodriguez' fracture was consistent with the force reported. Dr. Antebi was Rodriguez' admitting and treating physician. Refer to **Exhibit B** for Rodriguez' complete medical records and consent to release information form. Refer to **Exhibit **** for photos of Rodriguez.

No deputies were injured.

PHYSICAL EVIDENCE:

No physical evidence was collected at the scene and the Crime Lab did not respond to this incident.

INVESTIGATOR OBSERVATIONS:

IAB investigators did not respond to the incident scene, nor was the scene held. IAB investigators arrived at Palmdale Station approximately 6 hours after the incident, after notification that the suspect sustained a fractured bone.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Arellano, Carlos

Utilized personal weapons; deployed a takedown of the suspect, and used his body weight to hold the suspect on the ground. [redacted] also used his left arm and elbow to pin the back of the suspect's neck to the ground.

WEAPONS USED BY SUSPECT:

Suspect Rodriguez was uncooperative from her initial contact with Deputy Arellano. Suspect Rodriguez refused to exit the vehicle, and hit Deputy Arellano with her arms and fists. When she exited the vehicle, she continued to push and kick Deputy Arellano, and was non-compliant throughout the contact. She also used her car keys as a weapon to strike Deputy Arellano. Rodriguez was resistive to handcuffing at the conclusion of the incident.

PROPERTY DAMAGE:

No departmental or personal property was damaged.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator's Name	Detective Robert Farkas
Court	None
Charges Filed	None
Court Date	None
Case Number	None

No criminal charges were filed. Palmdale Station Detective Robert Farkas handled the case, and dismissed the case pursuant to the provisions of Penal Code section 849(b)(1). Refer to the Certificate of Release letter, included in **Exhibit A**.

LIGHTING OR WEATHER CONDITIONS:

The weather was sunny and warm at the time of the incident (1600 hours). Lighting and weather were not factors in this incident.

INVOLVED EMPLOYEE'S STATEMENT:

Deputy Arellano, Carlos

Deputy Arellano was working a one-man, uniformed patrol car on day shift (260A1). Arellano is assigned to the Partners Against Crime Team. Arellano wore a Department Class C green polo shirt, Class B pants, a vest, and Sam Browne. While patrolling, he observed a vehicle (tan-colored pick up truck, CA license [redacted] make an unsafe left turn. He made a traffic stop of the vehicle (in a shopping mall parking lot at 533 E..Palmdale Boulevard).

As Arellano approached the driver's side door of the vehicle, he saw the suspect (Diana Rodriguez) place something in her mouth, and rip off a piece of plastic with her mouth. She tossed the plastic onto the seat of her vehicle and took a drink of her soda. Arellano believed Rodriguez possibly swallowed narcotics. Rodriguez appeared nervous, and lost or "spaced-out."

Because the driver's window was closed, Arellano opened the driver's door of the vehicle. He then saw a clear glass pipe on the front seat of the vehicle. Arellano recognized the pipe as drug paraphernalia commonly used to ingest narcotics. Arellano asked Rodriguez to exit the vehicle. Arellano believed he recognized Rodriguez from a prior contact where he arrested her for possession of drug paraphernalia.

Rodriguez took the strap of her purse and placed it around her neck. Arellano told Rodriguez to leave her purse in the car. He was unsure if the purse contained narcotics and/or a weapon. At this time, Rodriguez' left leg was hanging outside of the opened car door while her right leg remained inside of the vehicle. Rodriguez turned to her left as if she would exit the vehicle. Because of her age and apparent frailty, Arellano was going to help Rodriguez out of the vehicle. Arellano described Rodriguez as 65 years old, but believed she appeared older. He further added she looked to be a frail, worn-looking, drug user.

Arellano had Rodriguez place her purse on her front seat. Arellano saw Rodriguez had her car keys in her left hand, and he asked her for the keys. Without provocation, Rodriguez "went crazy." She swung her arms from side to side, and struck Arellano in his arms. Rodriguez kicked Arellano, and Arellano turned to the side to avoid being kicked in the groin. Numerous times, Arellano told the suspect to calm down. Arellano told the suspect he did not want to hurt her, but she refused to calm down and remained aggressive.

Rodriguez stepped out of the vehicle and Arellano grabbed a hold of her wrists in order to control her, and prevent her from hurting him. Rodriguez tried to pull free from Arellano's grasp while she kicked at Arellano with her right leg. Arellano was facing Rodriguez. Arellano believed Rodriguez was again trying to knee or kick him in the groin. To prevent the situation from becoming out of control, Arellano took the suspect to the ground. Arellano described the takedown as pulling Rodriguez' arms toward the ground, then pushing her onto the ground. Rodriguez landed on her left

side on the asphalt parking lot. Arellano turned Rodriguez onto her stomach and handcuffed her left wrist.

As he attempted to grab her right wrist, she violently swung her right arm and then tucked it under her body. Arellano attempted to tug her right arm free but Rodriguez continued to resist. Arellano believed he would break Rodriguez' right arm, so he placed his right knee gently on her back. He told Rodriguez to calm down and that he did not want to hurt her. Arellano attempted to request a supervisor to his location via his hand-held radio, but the battery was dead. Arellano asked a bystander (Witness [redacted] to retrieve his cell phone from the radio car. The witness brought Arellano the phone, and Arellano notified his supervisor (Sgt. Bistline) via the Nextel "Direct Connect" feature. Arellano then handcuffed Rodriguez, and Sgt. Bistline arrived several minutes later.

Arellano was surprised that Rodriguez put up such resistance and strength despite her age, appearance and condition. Arellano estimated the event took place between two to three minutes. He tried to calm Rodriguez down so he would not have to use force on her and hurt her. Arellano used verbal commands throughout the entire incident. Arellano considered using O.C. spray but did not want to relinquish control of the suspect's wrists. There were no other force options Arellano considered.

Arellano, who started his shift at [redacted] hours, had changed his battery during his shift with another one that had been in the radio car.

There were many witnesses to the incident; however, most of the witnesses walked away. Several of the witnesses remained and were interviewed by Sgt. Bistline.

Arellano observed a cut and bruise to Rodriguez' left arm following the incident. Rodriguez complained of pain to one of her legs. Arellano was not injured.

WITNESS STATEMENTS:

Civilian Witnesses

IAB Note: Deputy Arellano's supervisor, Sergeant Bistline, responded to the scene and interviewed the below civilian witnesses. He recorded the interviews on audiotape.

[redacted]

Witness [redacted] saw the deputy (Arellano) make a traffic stop. The deputy asked for the car key but she would not give it to him. The deputy tried to grab the car key from the woman but she resisted. The woman was fighting and swinging at the deputy. The deputy grabbed the woman's

arms and asked her to calm down. She refused to calm down. The deputy put the woman on the ground and handcuffed her.

[redacted]

Witness [redacted] saw a female resisting and hitting a deputy. He believed the female did not want to stop her vehicle. The deputy opened the car door and put on the parking brake. The woman did not want to come out of the car and would not let go of her car key. The deputy continued to ask the woman to come out of the car but she would not come out. The deputy asked the woman several times to exit the car and give him the key.

The deputy brought out a cite, then she started resisting. She was hitting the deputy. The deputy told the woman to calm down and put her hands behind her back. The female continued to resist. Finally, the deputy was able to handcuff the woman. When the handcuffs were placed on her, the woman calmed down.

IAB Note: This interview was translated by Deputy Corral of Palmdale Station.

[redacted]

Witness [redacted] stood in an alley about 60 feet away from the incident. He saw the deputy make a traffic stop of a woman and walk up to the car. The deputy asked the woman something. The car started moving. The deputy quickly opened the car door and did something to stop the car. The woman grabbed her purse and put something in it.

[redacted] looked away briefly, but then saw the deputy ask the woman more than a dozen times to get out of the car. She refused to get out of the car, and argued with the deputy. The deputy continued to ask the woman to exit the vehicle. When the woman finally exited the car, she fought and struggled with the deputy. The woman tried to run away, then swung at the deputy.

The deputy slowly placed the woman on the ground. [redacted] approached and asked the deputy if he needed help. The deputy declined [redacted] help, but asked [redacted] to get his phone from the police car to call for back up. The woman finally calmed down.

SUSPECT'S STATEMENT:

Suspect Rodriguez was in her car when she saw a deputy (in his patrol car) following her. She was mad because she did not believe she was doing anything wrong. She stopped her car and the deputy talked to her. Her driver side window was halfway down. The deputy asked her to exit her vehicle. She did not remember if he got her out of the car but she remembered they were fighting. Rodriguez then remembered that she got out of her car willingly. She claimed she has a very bad memory.

Rodriguez did not remember how they started fighting. Rodriguez did not remember if the deputy asked her to do anything when she exited the car. Rodriguez was mad because the deputy stopped her. She did not recall hitting the deputy, but was trying to get away from him. The deputy told her she was under arrest and she did not want him to put the handcuffs on her. During the fight, the deputy told her, "Stop fighting, you old lady!"

The deputy threw Rodriguez to the ground. She landed face-down. Rodriguez mentioned several times she was fighting the deputy and did not want to be arrested. The deputy put his foot on top of her back. Rodriguez did not believe she was hurt at this time, and did not feel any pain. Rodriguez was resisting the deputy as she was on the ground. Rodriguez stopped resisting the deputy once she was handcuffed.

Rodriguez had no other injuries. Rodriguez stated she had not suffered a hip area injury prior to this incident.

> **IAB Note: After obtaining medical records, it was learned that Rodriguez has had a [redacted] and has a [redacted] She did not disclose this at the time of the interview in the hospital.**

The deputy did not ever hit or strike Rodriguez, or use any weapons or pepper spray.

Rodriguez claimed she was not under the influence of drugs or alcohol at the time of the incident, and was clear-minded. She did not remember the incident well because of her poor memory.

A drug screen was performed on Rodriguez' urine for the presence of drugs. The following drugs were detected in Rodriguez' system: phencyclidine, cocaine, and opiates. Refer to **Exhibit B, pages 11** and **27** of Rodriguez' medical records.

MISCELLANEOUS SECTION:

None